

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Whitney Beber	Team: Squad #2	CCRB Case #: 201700355	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 01/16/2017 2:00 AM	Location of Incident: Broadway and Ellery Street; 81st Precinct Stationhouse	Precinct: 81	18 Mo. SOL 7/16/2018	EO SOL 7/16/2018	
Date/Time CV Reported Tue, 01/17/2017 11:06 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 01/17/2017 11:06 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Kevon Husband	18913	958715	081 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Richard Mohabir	19793	944815	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Kevon Husband	Abuse: At Broadway and Ellery Street in Brooklyn, Police Officer Kevon Husband seized § 87(2)(b)'s property.	
B.POM Kevon Husband	Abuse: At the 81st Precinct Stationhouse, Police Officer Kevon Husband issued a summons to § 87(2)(b)	
C.POM Kevon Husband	Abuse: At the 81st Precinct Stationhouse, Police Officer Kevon Husband threatened to damage § 87(2)(b)'s property.	

Summary Complaint

On January 17, 2017, § 87(2)(b) called to file the following complaint with the CCRB.

At approximately 2:00 a.m. on January 16, 2017, § 87(2)(b) was parking his Land Rover in front of Woodhull Hospital, near Broadway and Ellery Street in Brooklyn, § 87(2)(b). As he was backing into a parking space, § 87(2)(b) was stopped by Police Officer Kevon Husband and Police Officer Richard Mohabir from the 81st Precinct. Police Officer Husband exited his vehicle and approached § 87(2)(b)'s vehicle. Police Officer Husband informed § 87(2)(b) that one of his headlights was off and asked for § 87(2)(b)'s license and registration. § 87(2)(b) provided his license and registration.

Police Officer Husband returned to his vehicle. § 87(2)(b) sat in his car for approximately twenty minutes. § 87(2)(b) then exited his vehicle, checked his headlights and he saw that both of them were on. § 87(2)(b) approached Police Officer Husband's vehicle and asked him if he could park his car. Police Officer Husband allegedly told him that he could. Police Officer Husband then issued § 87(2)(b) summons number § 87(2)(b) and placed it on the windshield of § 87(2)(b)'s vehicle. Police Officer Husband drove away without returning § 87(2)(b)'s license or registration (**Allegation A**).

§ 87(2)(b) went to the 81st Precinct stationhouse at approximately 10:30 p.m. later that day to retrieve his license and registration. At approximately 11:30 p.m. Police Officer Husband came out to speak to § 87(2)(b) and gave § 87(2)(b) three additional summonses for disorderly conduct (**Allegation B**). § 87(2)(b) § 87(2)(b) asked Police Officer Husband why he was given three additional summonses. Police Officer Husband told him that § 87(2)(b) should thank him because he could have arrested § 87(2)(b). Police Officer Husband did not return § 87(2)(b)'s license or registration and allegedly told him that his license was going to be "destroyed" (**Allegation C**).

No video footage was found for this incident.

Mediation, Civil and Criminal Histories

- § 87(2)(b) initially chose to have this case mediated and the case was sent to the Mediation Unit on February 15, 2017. On February 28, 2017, the Mediation Unit contacted § 87(2)(b) who decided he no longer wanted to mediate the case and wanted the case investigated. The case was returned on March 1, 2017, to the Investigations Unit.
- As per the New York City's Comptroller's officer, no notice of claim has been filed in regards to this incident as of March 16, 2017.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] (Board Review 01).

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by or involving § 87(2)(b) (Board Review 02).
- Police Officer Husband has been a member of the NYPD for 1 year and has no prior CCRB allegations against him (see officer history).

Findings and Recommendations

Allegation A-Abuse of Authority: At Broadway and Ellery Street in Brooklyn, Police Officer Kevon Husband seized § 87(2)(b)'s property.

On January 17, 2017, § 87(2)(b) filed this complaint with the Civilian Complaint Review Board over the phone. On January 19, 2017, § 87(2)(b) provided a phone statement to the CCRB (Board Review 05). § 87(2)(b) was interviewed at the CCRB on January 23, 2017, and answered follow-up questions by telephone on January 25, 2017 (Board Review 06) and March 20, 2017 (Board Review 07). Police Officer Husband was interviewed at the CCRB on February 14, 2017. Police Officer Mohabir was interviewed at the CCRB on March 9, 2017.

It is undisputed that on January 16, 2017, at approximately 2:00 a.m. § 87(2)(b) was on Broadway, in front of Woodhull Hospital, when his vehicle was stopped by Police Officer Husband for a defective headlight. Police Officer Husband requested § 87(2)(b)'s license and registration, which § 87(2)(b) provided. Police Officer Husband returned to his police vehicle. § 87(2)(b) exited his vehicle, checked his headlights and then walked towards the police vehicle. Police Officer Husband told § 87(2)(b) to get back into his car more than once and eventually § 87(2)(b) returned to his car. At approximately 2:23 p.m. Police Officer Husband placed a summons for obstructing a driveway on § 87(2)(b)'s windshield and § 87(2)(b) did not receive his license and registration back. What is disputed is whether § 87(2)(b) was in his vehicle at the time Police Officer Husband placed the summons on it.

It is also undisputed that § 87(2)(b) went to the 81st Precinct Stationhouse later that day and at approximately 11:30 p.m., interacted with Police Officer Husband, who issued three summonses to § 87(2)(b) for disorderly conduct, § 87(2)(b) in regards to their interaction earlier in the day and did not return § 87(2)(b)'s license and registration.

§ 87(2)(b) admitted to walking towards Police Officer Husband's vehicle to stand approximately seven to eight feet away. When he did so, Police Officer Husband shouted at him, "Don't get close." In his sworn statement § 87(2)(b) stated that he asked Police Officer Husband if he could move and park his car. In his follow-up statement, however, § 87(2)(b) stated that he asked Police Officer Husband whether he could remain parked where he was on Broadway. Police Officer Husband replied that he could do so. At the time § 87(2)(b) spoke to the officers there were no other people around. Police Officer Husband issued § 87(2)(b) a § 87(2)(b) (Board Review 03) and placed it on his windshield while § 87(2)(b) sat in his car, and drove away without returning § 87(2)(b)'s driver's license or registration.

§ 87(2)(g) It is undisputed between Police Officer Husband and Police Officer Mohabir accounts, that § 87(2)(b) exited his vehicle, checked his headlights and started to yell. They also consistently stated that, while Police Officer Husband was writing the summons § 87(2)(b), § 87(2)(b) drove away before Police Officer Husband could return his license and registration and issue him that summons. Later that

night Police Officer Husband and Police Officer Mohabir observed § 87(2)(b)'s vehicle blocking a driveway on Marcus Garvey Boulevard. Police Officer Husband wrote and left a summons for § 87(2)(b) on § 87(2)(b)'s car. Police Officer Husband did not issue the summons for § 87(2)(b) because it was a summons that had to be issued in person.

In his sworn statement, Police Officer Husband stated that after checking his headlights, § 87(2)(b) approached the police vehicle and came to stand approximately three to four feet from the passenger side. § 87(2)(b) asked Police Officer Husband if he was giving him a ticket. And yelled, "Be a human," and told Police Officer Husband, "God will make you pay." Police Officer Husband described § 87(2)(b) as "very aggressive," and "disorderly," because he was raising his voice and pointing at the officers. § 87(2)(b) may have mentioned that he was going to look for somewhere to park, but Police Officer Husband did not give § 87(2)(b) permission to park anywhere. A crowd of approximately six people started to gather. After approximately five times of being told to return to his vehicle, § 87(2)(b) complied and then immediately drove off before Police Officer Husband had an opportunity to return his license and registration or issue him the summons. Police Officer Husband vouchered § 87(2)(b)'s license and registration as investigatory evidence under invoice number § 87(2)(b) (Board Review 04). When § 87(2)(b) drove away, Police Officer Husband observed what he deemed to be an unsafe start.

In his sworn statement, Police Officer Mohabir described § 87(2)(b) as having been "agitated" because he was pacing and yelling. Police Officer Mohabir did not remember the exact phrases he yelled. Police Officer Husband told § 87(2)(b) to return to his car approximately two times. § 87(2)(b) did not approach their police vehicle and Police Officer Mohabir did not observe a crowd and stated there was no one around. While Police Officer Mohabir and Police Officer Husband were still in their vehicle, § 87(2)(b) drove away before Police Officer Husband was able to return § 87(2)(b)'s license and registration or issue him the summons. § 87(2)(b) did not "speed" when he drove away and there was nothing about the way in which § 87(2)(b) drove away that Police Officer Mohabir thought qualified as an unsafe start.

Invoice number § 87(2)(b) was invoiced by Police Officer Husband at the 81st Precinct Stationhouse at 7:44 a.m. on January 16, 2017. The items on the invoice are § 87(2)(b)'s license and Connecticut vehicle registration issued to § 87(2)(b) (Board Review 04). § 87(2)(b) stated that the car was registered to § 87(2)(b) during his sworn statement). In the remarks section of the voucher, it was noted that the items were vouchered for investigatory evidence because the driver drove off while the member of service was issuing summons number § 87(2)(b) (Board Review 04).

Police Officer Husband issued § 87(2)(b) summons number § 87(2)(b) on 9 Marcus Garvey Boulevard at 2:23 a.m. on January 16, 2017. This was the summons undisputedly placed on § 87(2)(b)'s windshield. The remaining summonses, given to § 87(2)(b) later that day at the 81st Precinct Stationhouse, including the summons for the § 87(2)(b), cited the incident location as the intersection of Broadway and Ellery Street. The incident time for the disorderly conduct summons is listed as 1:56 a.m. on January 16, 2017, while the incident time for the § 87(2)(b) summons are listed as 2:10 a.m. § 87(2)(g)

§ 87(2)(g) [REDACTED]

§ 87(2)(g) [REDACTED]

§ 87(2)(g) [REDACTED]

Allegation B –Abuse of Authority: At the 81st Precinct Stationhouse, Police Officer Kevon Husband issued a summons to § 87(2)(b)

According to § 87(2)(b) [REDACTED] during the time when he exited his vehicle, walked towards Police Officer Husband in the police vehicle and asked if he could park his car, and then returned to his car, there were no people around.

Police Officer Husband stated that when § 87(2)(b) [REDACTED] exited his vehicle and approached the police vehicle, and yelled, “Be a human,” and “God will make you pay,” a crowd of approximately six people gathered. This was his reason for issuing a disorderly conduct summons to § 87(2)(b) [REDACTED]

Police Officer Husband issued § 87(2)(b) [REDACTED] summons number § 87(2)(b) [REDACTED] for disorderly conduct at 1:56 a.m. Police Officer Husband noted on the summons that he observed § 87(2)(b) [REDACTED] on a public sidewalk, with intent to cause disruption and acting in a “loud” and “threatening manner.” Neither the summons’ narrative (Board Review 09) nor Police Officer Husband’s detailed memo book narrative (Board Review 08) mention a crowd.

Police Officer Mohabir described § 87(2)(b) [REDACTED] having exited his car and checked his headlights. After § 87(2)(b) [REDACTED] checked his headlights, he paced and began yelling. At the time § 87(2)(b) [REDACTED] was pacing and yelling there was no one around and Police Officer Mohabir did not observe a crowd.

§ 87(2)(g) [REDACTED]

§ 87(2)(g)

Penal Law 240.20(1) (Board Review 10) states that, “A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: He engages in fighting or in violent, tumultuous or threatening behavior.” A determination that a person has committed disorderly conduct requires that their behavior cause “public harm” that extends beyond the officers to whom the person is directing his abusive or coarse language. *People v. Baker*, 20 N.Y.3d 354 (2013) (Board Review 11).

§ 87(2)(g)

Allegation C –Abuse of Authority: At the 81st Precinct Stationhouse, Police Officer Kevon Husband threatened to damage § 87(2)(b) s property.

While at the 81st Precinct Stationhouse, § 87(2)(b) asked Police Officer Husband how he could obtain his driver’s license and registration. Police Officer Husband told § 87(2)(b) that his driver’s license was going to be “destroyed” and that he would not get it back.

Police Officer Husband stated that when § 87(2)(b) asked if he could have his license and registration back, he informed § 87(2)(b) that because § 87(2)(b) left the scene while he was detained by an officer, his license and registration were vouchered as investigatory evidence. Police Officer Husband never told § 87(2)(b) that his license would be “destroyed.”

Although Police Officer Mohabir was in the stationhouse at the time § 87(2)(b) and Police Officer Husband interacted, he did not witness their exchange.

§ 87(2)(g)

Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer:

Title/Signature

Print

Date